

## Update: Domestic Violence Benchbook (2d ed)

### CHAPTER 3

#### Common “Domestic Violence Crimes”

##### 3.5 Parental Kidnapping

###### B. Defenses to Parental Kidnapping

Insert the following text after the citation to *People v Luther* on page 68:

If a defendant denies that he or she has committed a crime, that defendant is not entitled to a jury instruction on duress. *People v McKinney*, \_\_\_ Mich App \_\_\_ (2003) (defendant sought to prove that she lived with defendant out of fear but denied committing major controlled substance offenses).

## CHAPTER 5

### Evidence in Criminal Domestic Violence Cases

#### 5.13 Testimonial Evidence of Threats Against a Crime Victim or a Witness to a Crime

##### B. Exceptions to the Hearsay Rule

Insert the following case summary on page 199 at the end of Section 5.13:

- ♦ *People v Coy*, \_\_\_ Mich App \_\_\_ (2003) (evidence of then existing mental, emotional, or physical condition)

The defendant was convicted of second-degree murder. At trial, a witness testified that the victim told her that she had planned to meet the defendant on the night of the murder and asked her to page the defendant to remind him about the meeting. The defendant objected to the admission of the statement on hearsay grounds. The trial court found the statement relevant to the victim's intention or plan to meet the defendant at her apartment on the night of the murder and therefore admissible pursuant to MRE 803(3). The Court of Appeals upheld the trial court's determination and indicated that the victim's statement of future intent or plan to meet with defendant on the night of her murder fell within the plain meaning of MRE 803(3). \_\_\_ Mich App at \_\_\_\_.